

# COMMUNICATIONS ADVISORY COUNSEL LLC

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February 25, 2010

*Filed electronically via ECFS in EB Docket No. 06-36*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: **Livingston Telephone Company, Inc.**  
Form 499 Filer ID: 802017  
and its wholly-owned subsidiary,  
**Telcom Supply, Inc. dba Livingston Communications**  
Form 499 Filer ID: 822916  
CPNI Certification for 2009  
EB Docket No. 06-36

Dear Madam Secretary:

On behalf of Livingston Telephone Company, Inc. and its wholly-owned subsidiary, Telcom Supply, Inc. dba Livingston Communications (collectively, "Filer"), and pursuant to Section 64.2009(e) of the Commission's Rules, we submit herewith Filer's annual CPNI Certification for 2009, together with Filer's Statement explaining its procedures for ensuring compliance with customer proprietary network information requirements as established by Sections 64.2001 *et seq.* of the Commission's Rules.

Please refer any questions regarding this matter to this office.

Respectfully submitted,

  
Sylvia Lesse

cc: Best Copy and Printing, Inc. (1 copy by e-mail to [FCC@BCPIWEB.COM](mailto:FCC@BCPIWEB.COM))

# Annual 47 C.F.R. § 64.2009(e) CPNI Certification

## EB Docket 06-36

Annual 64.2009(e) CPNI Certification for **2009** covering the prior calendar year of **2009**

1. Date filed: February 25, 2010
2. Name of company(s) covered by this certification:

LIVINGSTON TELEPHONE COMPANY, INC ("Livingston")  
and its wholly-owned subsidiary,  
TELCOM SUPPLY, INC. dba LIVINGSTON COMMUNICATIONS ("Telcom")

3. Form 499 Filer ID:  
Livingston Telephone Company, Inc.: 802017  
Telcom Supply, Inc. dba Livingston Communications 822916

4. Name of signatory: Curtis G. Walzel
5. Title of signatory: President (of both entities)
6. Certification:

I, Curtis G. Walzel, certify that I am an officer of both Livingston Telephone Company, Inc. ("Livingston") and its wholly-owned subsidiary, TelcomSupply, Inc. dba Livingston Communications ("Telcom") (collectively, the "Company"), and acting as an agent of each of Livingston and Telcom, that I have personal knowledge that each of Livingston and Telcom has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

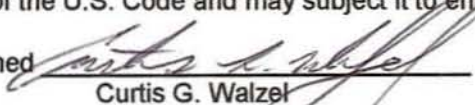
Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Companies are in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in section 64.2001 *et seq.* of the Commission's rules.

The Company has not taken actions against data brokers in the past year.

The Company has not received customer complaints in the past year concerning the unauthorized release of CPNI

Each of Livingston and Telcom represent and warrant that the above certification is consistent with 47 C.F.R. § 1.17, which requires truthful and accurate statements to the Commission. Each of Livingston and Telcom also acknowledge that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed

  
Curtis G. Walzel  
President, Livingston Telephone Company, Inc.  
President, Telcom Supply, Inc. dba Livingston Communications

**Attachments:** Statement Explaining CPNI Procedures

LIVINGSTON TELEPHONE COMPANY, INC.,  
and its wholly-owned subsidiary  
TELCOM SUPPLY, INC. dba LIVINGSTON COMMUNICATIONS  
(collectively "the Company")

Statement Accompanying the Company's CPNI Certification for 2009

The following information outlines the procedures adopted and implemented by Livingston Telephone Company, Inc. ("Livingston"), on its own behalf and on behalf of its wholly-owned subsidiary, Telcom Supply, Inc. d/b/a Livingston Communications ("Telcom") (collectively "the Company")<sup>1</sup> to ensure compliance with the FCC's CPNI rules and FCC requirements for the safeguarding of such customer information.

The Company prohibits the use or disclosure of CPNI for marketing purposes, including internal marketing. If CPNI is to be used for its sales and marketing campaigns in the future, the required notice and opt-out approval process will be observed as required, and protective safeguards, including but not limited to implementation of a system to identify a customer's CPNI approval status, appropriate supervisory review for outbound marketing situations, and appropriate record-keeping procedures, will be implemented in accordance with 47 C.F.R. §64.2009.

The Company has a written CPNI Policy that explains what CPNI is and when it may be used without customer approval.

The Company has assigned a Director of CPNI Compliance to serve as the central point of contact regarding the Company's CPNI responsibilities and questions related to CPNI Policy. The Director of CPNI Compliance has responsibilities including, but not limited to, coordinating the training of all Company employees with access to CPNI, investigating complaints of unauthorized release of CPNI, and reporting any breaches to the appropriate law enforcement agencies. The Director for CPNI Compliance also maintains CPNI records in accordance with FCC rules, including records of any discovered breaches, notifications of breaches to law enforcement, and law enforcements' responses to the notifications for a period of at least two years.

The Company has internal procedures in place to educate its employees about CPNI and the disclosure of CPNI. Employees with access to this information are aware of the FCC's rules and are prohibited from disclosing or permitting access to CPNI without the appropriate customer consent. Employee disclosure of CPNI is only in accordance with the law and the FCC rules. In accordance the Company Policy, any employee that uses, discloses, or permits access to CPNI in violation of Federal regulations is subject to disciplinary action, and possible termination.

The Company will require express opt-in consent from a customer prior to the release of CPNI to a joint venture partner or independent contractor for marketing purposes. However, currently the Company does not release CPNI to any third party for marketing purposes.

Appropriate safeguards on the disclosure of CPNI have been implemented in accordance with C.F.R. §64.2010. Prior to the disclosure of CPNI, customers initiating calls to or visiting the Company's offices are properly authenticated. Call detail information is only provided by sending it to the customer's address of record, or by calling the customer at their telephone number of record. If the customer is able to provide call detail information to the Company during a customer-initiated call without the Company's assistance, then the Company is permitted to discuss the call detail information provided by the customer. Prior to the Company disclosing CPNI to a customer visiting any of its retail offices in person, the customer must present a valid photo ID matching the customer's account information.

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<sup>1</sup> Telcom has no employees; all of Telcom's administrative and operational obligations are performed by Livingston employees. On its own behalf and on behalf of Telcom, Livingston develops, implements and maintains all corporate CPNI policy, and trains all its employees, including those who perform administrative and operational functions for Telcom customers.

Currently, customers do not have online access to their accounts. However, if that changes in the future, the method for customers to access the CPNI online will be established in accordance with C.F.R. §64.2010(c).

The Company has implemented procedures to notify customers immediately whenever an address of record is created or changed.